

UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF PENNSYLVANIA

ANDREW R. PERRONG )  
1657 The Fairway #131 Jenkintown, PA 19046 )

Plaintiff,  
vs.

Civil Action  
No: 17-1512

ELITE CHIMNEY SOLUTIONS INC. ("ECS") )  
67 B GRAND AVENUE )  
MASSAPEQUA, NY 11758, )

DENISE L. RIVERA, Individually and as )  
Chief Executive Officer / Principal of ELITE, )

and )  
DOES 1 through 100, inclusive, )

Defendants. )

Jury Trial Demanded

FILED

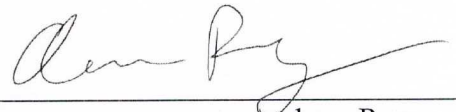
MAY 09 2017

KATE BARKMAN, Clerk  
By \_\_\_\_\_ Dep. Clerk

**MOTION FOR CLERK'S DEFAULT JUDGEMENT PER RULE 55(b)(1)**

Comes now Andrew Perrong and requests the Clerk of Court, pursuant to Rule 55(b)(1) of the Federal Rules of Civil Procedure, for entry of a judgment by default against the defendants ELITE CHIMNEY SOLUTIONS INC. and DENISE L. RIVERA. In support of this request, relies upon the record in this case and the affidavit submitted herein.

**Dated: 5/9/2017**



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Plaintiff Pro-Se  
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AFFIDAVIT IN SUPPORT OF

CLERK'S DEFAULT JUDGEMENT PER RULE 55(b)(1)

I, ANDREW R. PERRONG, declare under penalty of perjury that the following facts are true and correct to the best of my information and belief:

1. I am the plaintiff pro-se in this action.
2. The summons and complaint were duly served upon defendants ELITE CHIMNEY SOLUTIONS INC. and DENISE L. RIVERA on April 17, 2017.
3. No response has been served within the time allowed by law nor have defendants sought additional time within which to respond.
4. Default has been entered against the defendants on May 9, 2017.

5. The claim of the plaintiff is for the sum of \$15,000 plus interest from the date of judgment as provided by law, together with the costs of this action. The damages requested are statutory in nature and capable of being calculated as follows:
- a. Two “robocalls” in violation of 47 U.S.C. § 227(b)(1)(A), which carries a minimum statutory penalty of \$500 per call pursuant to 47 U.S.C. § 227(b)(3)(B), which are trebled pursuant to 47 U.S.C. § 227(b)(3).
  - b. Two “sales calls” to a number on the National Do Not Call registry in violation of 47 U.S.C. § 227(c)(3)(F), and 47 C.F.R. 64.1200(c)(2), which carries a minimum statutory penalty of \$500 per call pursuant to 47 U.S.C. § 227(c)(5)(B), which are trebled pursuant to 47 U.S.C. § 227(c)(5).
  - c. Two instances of “caller ID spoofing” in violation of 47 U.S.C. § 227(e), which carries an implied minimum statutory penalty of \$500 per call pursuant to 47 U.S.C. § 227(c)(5)(B), which are trebled pursuant to 47 U.S.C. § 227(c)(5).
  - d. Two refusals to put plaintiff on defendants’ “do not call list” in violation of 47 CFR 64.1200(d)(3), which carries a minimum statutory penalty of \$500 per call pursuant to 47 U.S.C. § 227(c)(5)(B), which are trebled pursuant to 47 U.S.C. § 227(c)(5).
  - e. Two refusals to provide plaintiff defendants’ “do not call policy” in violation of 47 CFR 64.1200(d)(1), which carries a minimum statutory penalty of \$500 per call pursuant to 47 U.S.C. § 227(c)(5)(B), which are trebled pursuant to 47 U.S.C. § 227(c)(5).

f. Damages are thus calculated at \$15,000 total as such: \$3,000 for count (a), \$3,000 for count (b), \$3,000 for count (c), \$3,000 for count (d), and \$3,000 for count (e).

6. For the foregoing reasons, Plaintiff moves the Clerk of Court to enter judgement against defendants ELITE CHIMNEY SOLUTIONS INC. and DENISE L. RIVERA in the amount of \$15,000, plus interest and costs, pursuant to Federal Rules of Civil Procedure Rule 55(b)(1), since the judgement is for a certain sum.

**FURTHER AFFIANT SAYETH NAUGHT**

Commonwealth of Pennsylvania, County of

Bucks

Before me, the undersigned notary public, this day appeared

Andrew Perrong

to me known, who being duly sworn according to law, deposes the above.

Subscribed and sworn to before me

this 9<sup>th</sup> day of May,

20 17.

Victoria Yevalenko

Notary Public

COMMONWEALTH OF PENNSYLVANIA  
NOTARIAL SEAL  
Victoria Yevalenko, Notary Public  
Upper Southampton Twp., Bucks County  
My Commission Expires June 7, 2019

Andrew Perrong

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**DOES 1 through 100, inclusive,**

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**No: 17-1512**

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**CLERK'S DEFAULT JUDGEMENT PER RULE 55(b)(1)**

The defendants, ELITE CHIMNEY SOLUTIONS INC. and DENISE L. RIVERA, having failed to plead or otherwise defend in this action, and default having been entered; upon application of plaintiff and upon affidavit that defendants are indebted to plaintiff in the principal sum of \$15,000 plus interest thereon; that defendants defaulted for failure to appear pursuant to Rule 55(a) of the Federal Rules of Civil Procedure; and that the claim is for a sum certain or for a sum which can by computation be made certain; it is hereby

ORDERED, ADJUDGED, and DECREED that plaintiff ANDREW R. PERRONG recover from the defendants, ELITE CHIMNEY SOLUTIONS INC. and DENISE L. RIVERA, the sum of \$15,000, plus costs and interest according to law from the date of this judgment until the entire amount is paid.

**This judgment is entered by the Clerk at the request of the plaintiff and upon affidavit that said amount is due, in accordance with Rule 55(b)(1) of the Federal Rules of Civil Procedure.**

**Dated: 5/9/2017**

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***Kate Barkman, Clerk of Court (or deputy)***